

1 **SECTION 1-03, AWARD AND EXECUTION OF CONTRACT**
2 **May 28, 1996**

3 **1-03.1 Consideration of Bids**

4 This section is supplemented with the following:

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6 A bidder who wishes to claim error after the bids have been publicly opened and
7 read as required by RCW 47.28.090 shall promptly notify the Contracting Agency
8 that an error occurred. The bidder shall submit a notarized affidavit or declaration
9 under penalty or perjury signed by the bidder and accompanied by the work
10 sheets used in the preparation of the bid, requesting relief from the responsibilities
11 of award. The affidavit or declaration shall describe the specific error(s) and
12 certify that the work sheets are the ones used in preparing the bid.

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14 The affidavit or declaration shall be submitted no later than 5:00 p.m. on the first
15 business day after bid opening or the claim will not be considered. The
16 Contracting Agency will review the affidavit or declaration and the certified work
17 sheets to determine the validity of the claimed error and if the error is of the kind
18 for which the law allows relief from forfeiture of the bid deposit. If the Contracting
19 Agency concurs in the claim of error and determines that the error is of the kind
20 which allows relief from forfeiture, the bidder will be relieved of responsibility and
21 the bid deposit of the bidder will be returned. If the Contracting Agency does not
22 concur in the error or determines that the error is not the kind for which the law
23 allows relief, the Contracting Agency may award the contract and if the bidder
24 refuses to execute the contract, the bidder's bid deposit shall be forfeited as
25 required by RCW 47.28.100.

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27 **1.03.5 Failure to Execute Contract**

28 The first two sentences are revised to read:

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30 Failure to return the insurance certification and bond with the signed contract as
31 required in Section 1-03.3, or failure to provide Disadvantaged, Minority or
32 Women's Business Enterprise information if required in the contract, or failure or
33 refusal to sign the contract shall result in forfeiture of the proposal bond or deposit
34 of this bidder. If this should occur, the Contracting Agency may then award the
35 contract to the second lowest responsible bidder or reject all remaining bids.

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37 **1-03.7 Judicial Review**

38 This section is added and reads as follows:

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40 Any decision made by the Contracting Agency regarding the award and execution
41 of the contract or bid rejection shall be conclusive subject to the scope of judicial
42 review permitted under Washington law. such review, if any, shall be timely filed
43 in the Superior Court of Thurston County, Washington.